GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Environment, Forests, Science & Technology Department - Allegations of corruption against Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle – Trapped on 18.07.2002 - Prosecution sanctioned - Convicted by the Judgement of Hon'ble Court of the Special Judge for ACB Cases-cum-III Additional District & Sessions Judge, Visakhapatnam dated 28.11.2008 in C.C.No.16/2003 – Dismissed from service – Criminal Appeal No.1568 of 2008 filed before the Hon'ble High Court of A.P., against the conviction Judgement dated 28.11.2008 of Hon'ble Court of Special Judge for ACB cases-cum-III Additional District & Sessions Judge, Visakhapatnam in C.C.No.16/2003 – Judgement pronounced – Acquitted – Implementation of orders of the Hon'ble High Court of A.P., dated 27.11.2023 in Criminal Appeal No.1568 of 2008 – Reinstatement of individual into service - Suspension period and period between dismissal and reinstatement into duty shall be treated as 'Not on duty' – Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.RT.No. 93 **Dated: 22-07-2025**

1)From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Letter Rc.No.182/RCT-WVP/2002, dated 23.07.2002.
2)Proceedings Ref.No.1623/02/N6 of the Divisional Forest Officer, Narsipatnam, dated 19.07.2002.
3)From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Letter RC.No.182/RCT-WVP/2002, dated 23.10.2002.
4)G.O.Ms.No.30, Environment, Forests, Science & Technology (For.IV) Department, dated 27.03.2003.
5)Proceedings Rc.No.1623/02-N6 of the Divisional Forest Officer, Narsipatnam, dated 27.10.2005.
6)From the Hon'ble Court of the Special Judge for ACB cases-cum-III Additional District & Sessions Judge, Visakhapatnam, Judgement dated 28.11.2008 in C.C.No.16/2003.
7)Proceedings Rc.No.1623/02-N6 of the Divisional Forest Officer, Narsipatnam, dated 15.12.2008.
8)From the Director General, Anti-Corruption Bureau, A.P., Hyderabad, Letter No.182/RCT-WVP/2002-S11, dated 15.01.2009.
9)From the Hon'ble High Court of A.P., Judgement, dated 27.11.2023 in Criminal Appeal No.1568 of 2008 filed by Sri V.Naga Raju, formerly Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle.
10)From Sri V. Naga Raju, Forest Beat Officer (Under dismissal), formerly Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle, Representations, dated 20.03.2024 & 18.04.2024.
11)From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Letter Rc.No.182/RCT-WVP/2002,S.11, dated 22.04.2024.

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ORDER:

It has been brought to the notice of the Government that, a trap case was registered by the Anti-Corruption Bureau authorities vide Cr.No.15/RC-WLR/2002 under Sections 7, 13(2) read with 13(1)(d) & 15 of Prevention of Corruption Act, 1988 against the Accused Officer-1 Sri D. Subba Raju, Forest Section Officer, Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle; and Accused Officer-2 Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle, who were successfully trapped when they demanded and accepted the

P.T.O.

bribe amount of Rs.4,700/- from the complainant Sri V. Chiranjeevi, S/o Lingu, resident of Vanthala Mamidi Village, H/o Sanivaram, Chinthapalli Mandal, Visakhapatnam District for doing official favour in allowing the complainant and other villagers to continue to do PODU cultivation in forest land, in violation of forest laws.

2. In the reference 2nd read above, the Divisional Forest Officer, Narsipatnam has placed the Accused Officer-2 Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle under suspension from the date of communication of the order.

3. In the final report 3rd read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad among other things, has recommended for the prosecution of Accused Officer-2 Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle in a court of law for the offences punishable under Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption, Act, 1988 read with Section 34 of IPC, 1860.

4. In the G.O.4th read above, orders have been issued according sanction for prosecution of Accused Officer-2 Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle in a court of law for the offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) read with Section 34 of the IPC, 1860.

5. In the reference 5th read above, the Divisional Forest Officer, Narsipatnam has revoked the order of suspension.

6. In the reference 6th read above, the Hon'ble Court of Special Judge for ACB Cases-cum-III Additional District & Sessions Judge, Visakhapatnam in its Judgement dated 28.11.2008 in C.C.No.16/2003 held that:-

> *"……*
>
> *The 2nd accused is a public servant. Borrowing or lending any amount without intimation and permission from the higher officials is contrary to Conduct Rules and Civil Service Rules. Lending the amount by a Forest Guard in a sum of Rs.4,700/- to tribals in the tribal area without any document and receiving the amount from unconcerned person (PW1) is far from probabilities and beyond truth. Hence, the defence failed to rebut the legal presumption under sec. 20 of Prevention of Corruption Act. Therefore, it can safely be concluded that the amount recovered from the possession of 2nd accused is the amount received as illegal gratification. Hence,* ***2nd accused is found guilty for the offences charged against him i.e., under sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act*** *as 2nd accused adopted illegal practice to receive the amount from PW1, being a public servant.*
>
> *Consequently, the alleged demand by second accused along with first accused is not proved by the prosecution. Hence, 2nd accused is entitled for acquittal from the charge under section 7 of Prevention of Corruption Act.*
>
> *Coming to the charge under sec. 12 of Prevention of Corruption Act, there is no material of abatement by 2nd accused. The 2nd accused accepted the amount being a public servant and he set up a plea that the amount is accepted as repayment of earlier lent amount. Therefore, 2nd accused is*

(Contd.P-3)

entitled for acquittal from the charge under section 12 of Prevention of Corruption Act.

2nd accused is acquittal under section 248(1) of Cr.P.C for the offence punishable under section 7 of Prevention of Corruption Act r/w Sec 34 of Indian Penal Code and for the section under section 12 of Prevention of Corruption Act.

The prosecution succeeded in bringing home the guilt of 2nd accused for the offence punishable under section 13(2) r/w 13(1) (d) of Prevention of Corruption Act. Hence, ***2nd accused is convicted under sec. 248(2) of Cr.P.C. for the guilt of offence charged under section 13(2) r/w Sec 13(1)(d) of Prevention of Corruption Act.***

When convict/2nd accused is questioned with regard to the quantum of sentence to be imposed for the guilt of offence punishable under section 13(1)(d) r/w sec. 13(2) of Prevention of Corruption Act, he orally submitted that he had two school going children and that he had put up eleven years of service without any charges and requested to take lenient view in imposing the sentences.

Considering the oral submission of convict, the convict/2nd accused is sentenced to undergo rigorous imprisonment for a period of one year and shall also pay a fine of Rupees One thousand only for the guilt of charge under sec. 13(1)(d) r/w sec. 13(2) of Prevention of Corruption Act, in default of payment of fine, the convict shall further suffer simple imprisonment for a period of two months".

7. In the reference 7th read above, the Divisional Forest Officer, Narsipatnam has dismissed the Accused Officer-2 Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle from the service, as he was convicted by the Judgement of Hon'ble Court of Special Judge for ACB Cases-cum-III Additional District & Sessions Judge, Visakhapatnam, dated 28.11.2008 in C.C.No.16/2003.

8. In the letter 8th read above, the Director General, Anti-Corruption Bureau, A.P., Hyderabad has informed that Accused Officer-2 Sri V. Naga Raju, Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle has filed Criminal Appeal No.1568 of 2008 in the Hon'ble High Court of A.P., against the conviction Judgement, dated 28.11.2008 of the Hon'ble Court of Special Judge for ACB cases-cum-III Additional District & Sessions Judge, Visakhapatnam in C.C.No.16/2003 and Hon'ble High Court in its orders, dated 24.12.2008 in Crl.A.M.P.No.2407 of 2008 in Criminal Appeal No.1568 of 2008 while admitting the appeal, has suspended the sentence of imprisonment only imposed by the trial court pending disposal of the Criminal Appeal.

9. In the reference 9th read above, the Hon'ble High Court of A.P., in its Orders, dated 27.11.2023 in Criminal Appeal No.1568 of 2008 filed by Sri V. Naga Raju, formerly Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle held that:-

"..........

21. In view of the foregoing discussion, this Court no hesitation to hold that the ***prosecution failed to establish its case against the appellant/accused officer No.2 for the offence under section 13(2) read with 13(1)(d) of the Act, 1988, beyond reasonable doubt, and the appellant/accused officer No.2 is entitled to acquittal.*** *The trial Court did not consider the evidence on record in right perspective and came to wrong conclusions. Hence, impugned judgement is liable to be set aside.*

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22. In the result, the Criminal Appeal is allowed, setting aside the impugned Judgement dated 28.11.2008 in C.C.No.16 of 2003 on the file of Special Judge for ACB Cases-cum-III Additional District and Sessions Judge, Visakhapatnam. ***The appellant/accused officer No.2 is found not guilty of the offence punishable under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and is accordingly acquitted of the said offence. The fine amount, if any, paid by him shall be refunded to him.***

Miscellaneous petitions pending, if any, in the Criminal Appeal shall stand closed".

10. In the reference 10th read above, Sri V. Naga Raju, Forest Beat Officer (Under dismissal), formerly Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle has stated that he was found not guilty of the offence by the Judgement of Hon'ble High Court of A.P., dated 27.11.2023 in CRLA No.1568/2008 filed by him; and requested to protect his service on humanitarian grounds as per the Hon'ble High Court orders dated 27.11.2023 in CRLA No.1568/2008 and issue re-posting orders as Forest Beat Officer in Anakapalli Division (erstwhile Narsipatnam Division) and regularize the suspension and dismissal period underwent by him as 'On duty' under FR 54-B(3).

11. In the letter 11th read above, the Director General, Anti-Corruption Bureau, A.P., Vijayawada has informed that the Hon'ble High Court of A.P., has pronounced Judgement on 27.11.2023 that the Criminal Appeal No.1568 of 2008 filed by the Accused Officer-2 Sri V. Naga Raju, formerly Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle is allowed by setting aside the conviction Judgement dated 28.11.2008 of Trial Court in C.C.No.16/2003. He has further stated that, the Bureau is of the opinion that, it is a fit case to file Special Leave Petition in the Hon'ble Supreme Court of India against acquittal Judgement of the Hon'ble High Court against Accused Officer-2; and requested the Government to communicate orders permitting the Bureau to file Special Leave Petition in the Hon'ble Supreme Court of India against AO-2 Sri V. Nagaraju, FBO, Tajangi Section, Chintapalli Range, Visakhapatnam District on the acquittal Judgment of the Hon'ble High Court of A.P., at an early date.

12. After careful examination of the matter, Government have observed that—

"As seen from the Order of the Hon'ble High Court set aside on the ground that there is no legal evidence to find the appellant/accused officer of the charge under Section 13 (2) read with 13 (1) (d) of the Act, 1988 levelled against him.

The Hon'ble Judge of the High Court in his orders observed that "the prosecution examined P.Ws. 1, 2, 4 to 19. They are all material prosecution witness. None of them supported the prosecution version as regards the demand and acceptance by the appellant/accused officer No.2. The evidence of other witnesses does not incriminate anything as against the appellant/accused officer No.2 as regards the alleged demand and acceptance of illegal gratification other than legal remuneration by the accused officer."

The Hon'ble Supreme Court in B. Jayaraj Vs. State of A.P. [2014(13) SCC 55] held that,

"Mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive in so far as the offence under

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Section 13(1)(d)(i)(ii) is concerned as in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be established."

As seen from the observations of the Hon'ble Judge in his judgments there is no legal evidence and witness to prove the guilt of the A.O."

13. In the light of the aforesaid Judgment of the Hon'ble Supreme Court and keeping in view the circumstances that were explained in the High Court Judgment in Criminal Appeal No.1568 of 2008, Government have decided that, it is difficult to plead before the Hon'ble Supreme Court of India by filing an appeal against the Judgment of Hon'ble High Court; and to implement the orders, dated 27.11.2023 of Hon'ble High Court of A.P., in Criminal Appeal No.1568 of 2008 filed by the Accused Officer-2 Sri V. Naga Raju, formerly Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle against the conviction Judgement, dated 28.11.2008 of the Hon'ble Court of Special Judge for ACB cases-cum-III Additional District & Sessions Judge, Visakhapatnam in C.C.No.16/2003.

14. Accordingly, Government after careful consideration of the matter, hereby order to implement the Judgement, dated 27.11.2023 of Hon'ble High Court of A.P., in Criminal Appeal No.1568 of 2008 filed by the Accused Officer-2 Sri V. Naga Raju, formerly Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle against the conviction Judgement, dated 28.11.2008 of the Hon'ble Court of Special Judge for ACB cases-cum-III Additional District & Sessions Judge, Visakhapatnam in C.C.No.16/2003 and he shall be reinstated into service immediately. Further, the period of suspension and the period between dismissal and reinstatement into duty against Sri V. Naga Raju, formerly Forest Beat Officer, Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle shall be treated as "Not-on-Duty".

15. The Principal Chief Conservator of Forests & Head of Forest Force, A.P., Mangalagiri and the Director General, Anti-Corruption Bureau, A.P., Vijayawada shall take necessary further action in the matter as per the procedure in vogue.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri V. Naga Raju, Forest Beat Officer (Under dismissal), formerly Tajangi Beat of Tajangi Section of Chintapalli Range of Narsipatnam Division of Visakhapatnam Circle **through** the Principal Chief Conservator of Forests & Head of Forest Force, A.P., Mangalagiri.

The Principal Chief Conservator of Forests & Head of Forest Force, A.P., Mangalagiri.

The Director General, Anti-Corruption Bureau, A.P., Vijayawada.

Copy to:

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//FORWARDED::BY ORDER //

SECTION OFFICER